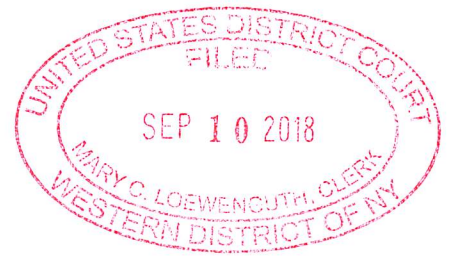


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

DECISION AND ORDER

v.

1:17-CR-00202 EAW

GONZALO VELAZQUEZ CABRERA,
a/k/a Bebé, ORLANDO LANZO-MANSO,
a/k/a Negrito, JOSUE DIAZ RODRIGUEZ,
a/k/a Casco, RAUL ORTIZ, a/k/a Gaspar,
EUNHE CHOI,

Defendants.

The above-referenced defendants are charged in a nine-count Indictment returned on October 26, 2017, with various crimes related to drug-trafficking and the unlawful use and possession of firearms. (Dkt. 1). A jury trial is scheduled to commence on January 2, 2019. (Dkt. 77; Dkt. 97). This Court referred all pretrial matters in the case to United States Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). (Dkt. 2).

On August 8, 2018, Magistrate Judge Roemer issued a thorough Report, Recommendation and Order addressing the pretrial motions filed on behalf of each defendant other than defendant Raul Ortiz, who did not file any pretrial motions. (Dkt. 103). For the most part, Judge Roemer's Report, Recommendation and Order addressed various non-dispositive motions filed by the defendants, but it did address a dispositive

motion filed by defendant Josue Diaz Rodriguez a/k/a Casco (“Rodriguez”) and, therefore, Judge Roemer issued that aspect of his decision in the form of a Report and Recommendation to the undersigned.


Specifically, Judge Roemer recommended that this Court deny Rodriguez’s motion (Dkt. 48) to suppress physical evidence obtained from execution of a search warrant at 610 East Delavan Avenue. (Dkt. 103 at 3-8). Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), Rodriguez had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); *see Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as all related filings, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Roemer. Therefore, the Court accepts and adopts the Report and Recommendation. (Dkt. 103). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s pretrial motion

(Dkt. 48) to suppress evidence seized pursuant to a search warrant executed at 610 East Delavan Avenue.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: September 10, 2018
Rochester, New York